

AMENDED IN SENATE JUNE 9, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 234**

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**Introduced by Assembly Member Gordon**

February 4, 2015

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An act to amend Section 114376 of the Health and Safety Code, relating to food.

LEGISLATIVE COUNSEL’S DIGEST

AB 234, as amended, Gordon. Food: sale.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities and provides for the enforcement of those standards by local health agencies and by the State Department of Public Health, as specified. Under existing law, unless a local jurisdiction adopts an ordinance prohibiting the activity, a community food producer or gleaner may sell or provide whole uncut fruits or vegetables, or unrefrigerated shell eggs, directly to the public, to a permitted restaurant, or a cottage food operation if the community food producer meets specified requirements. *Existing law authorizes a local city or county health enforcement office to require a community food producer or gleaner to register with the city or county to provide specified information.* A violation of the code is a crime.

This bill would *remove the local ordinance prohibition exception, and would* authorize a community food producer or gleaner to sell or provide whole uncut fruits or vegetables, or unrefrigerated shell eggs, directly to a permitted food facility. *The bill would provide that a local city or county health enforcement office may only require, unless otherwise authorized by a local ordinance adopted by a local jurisdiction, a community food producer or gleaner to register with the*

city or county and to provide specified information if the community food producer or gleaner does not meet any of the specified conditions. By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 114376 of the Health and Safety Code  
2 is amended to read:

3 114376. (a) ~~Unless a local jurisdiction adopts an ordinance~~  
4 ~~regulating community food production or agricultural production~~  
5 ~~that prohibits the activity, a~~ A community food producer or gleaner  
6 may sell or provide whole uncut fruits or vegetables, or  
7 unrefrigerated shell eggs, directly to the public, to a permitted food  
8 facility, or a cottage food operation if the community food producer  
9 ~~or gleaner~~ meets all of the following requirements in addition to  
10 ~~any requirements imposed by an ordinance adopted by a local~~  
11 ~~jurisdiction:~~ requirements:

12 (1) Agricultural products shall be grown or produced in  
13 compliance with subdivision (b) of Section 113735.

14 (2) Agricultural products shall be labeled with the name and  
15 address of the community food producer.

16 (3) Conspicuous signage shall be provided in lieu of a product  
17 label if the agricultural product is being sold by the community  
18 food producer on the site of production. The signage shall include,  
19 but not be limited to, the name and address of the community food  
20 producer.

21 (4) Best management practices, as described by the Department  
22 of Food and Agriculture, regarding small farm food safety  
23 guidelines on, but not limited to, safe production, processing, and  
24 handling of both nonpotentially hazardous and potentially  
25 hazardous foods.

26 (5) Egg production shall be limited to 15 dozen eggs per month.

(b) ~~Unless otherwise authorized by a local ordinance adopted by a local jurisdiction, a local city or county health enforcement office may only require a community food producer or gleaner to register with the city or county and to provide specified information, including, but not limited to, the name, address, and telephone number of the community food producer or gleaner.~~  
*gleaner if the community food producer or gleaner does not meet any of the following conditions:*

*(1) Produce is sold on the premises controlled by the community food producer pursuant to paragraph (6) of subdivision (c) of Section 113789.*

*(2) Produce is donated to a food bank or food kitchen that is registered or permitted by a federal, state, or local health agency.*

*(3) Produce is sold in a food facility permitted by a federal, state, or local health agency.*

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.